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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,178	11/26/2001	Klaus M. Irion	02581-P0433A	9476
24126	7590	08/10/2006	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			AGGARWAL, YOGESH K	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			2622	

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/994,178	Applicant(s) IRION ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-5,8,13-15,17-19 and 21-25.
 Claim(s) withdrawn from consideration: 6,7,10-12 and 16.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Attached sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Examiner's response:

1. Applicant argues with regards to claim 1 that Pelchy '963 does not disclose first and second sections of the board extending in spaced relation one to the other and obliquely or crosswise to said image sensor. The Examiner respectfully disagrees. The term "spaced relation one to the other" is a very broad term and encompasses any kind of spaced relation between two sections. Since as shown in figure 2 of Pelchy, the top two parallel horizontal members 26 have a discontinuity in the form of a recess wherein image sensor 17 is placed. Therefore the two sections are spaced apart from each other by the CCD imager 17 and hence have a spaced relationship one to the another.

Furthermore, regarding the limitations first and second sections being "crosswise or obliquely", the limitations are recited in the alternative. "Crosswise" is defined in *Webster's New World Dictionary Third College Edition* (in the form of a cross) wherein cross is further defined as to lie across or intersect. In this case, Pelchy teaches in figure 2, the two parallel horizontal sections 26 meet at the image sensor 17. Therefore the two sections intersect at the image sensor or first and second sections are "crosswise" to the image sensor and vice-versa. Therefore in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., first and second sections being "crosswise and obliquely") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. Applicant argues with regards to claim 1 that Ito does not teach "image sensor is arranged at one end of said circuit board opposite said third section". The Examiner respectfully disagrees.

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Ito clearly teaches a planar circuit board 40 that is divided into at least three sections namely 40a-40c separated by five folding lines with an image pick up element 31 and a third section 40a being arranged between said first and second sections of each blank (col. 4 lines 20-35, figures 2, 5 and 7).

3. Applicant argues with regards to claim 1 and 22 that Pelchy and Ito fail to teach wherein said image sensor is arranged on one end of said circuit board opposite said third section and also that there is no motivation to combine Pelchy and Ito. The Examiner disagrees. Pelchy teaches an image pick up element 31 and a third section 40a being arranged on one end opposite to said first and second sections of each blank (col. 4 lines 20-35, figures 2, 5 and 7). Ito teaches that with a structure of a circuit board folded along lines, the length of the circuit board is not increased thereby making endoscope to be of short length thus allowing good manipulation and insertion of the endoscope (col. 2 lines 7-12). Therefore motivation is explicitly recited in Ito.

4. Applicant argues regarding claim 24 that the prior art fails to teach “that the first and second sections are substantially parallel to each other and substantially perpendicular to the image pick-up surface of the sensor, and that the sensor is bonded to the first end of the first and second sections, and that the third section is integrally formed with the second end of the second section. The top two parallel horizontal members 26 that imager leads pass directly over the horizontal member 26 of the support. Bonding pads 31-31 are mounted on the top surface of the horizontal member 26 and the leads are bonded to the pads. The pads are further connected traces 33 and are connected to electrical components 28-28 mounted in the vertical member 25 (col. 3 lines 33-42). The two vertical members 25 are parallel to each other and perpendicular to

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the image sensor. The third section integrally formed with the second end of the second section is shown in Ito (col. 4 lines 20-35, figures 2, 5 and 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
August 6, 2006



VIVEK SRIVASTAVA
PRIMARY EXAMINER